

REMARKS

In response to the Office Action mailed June 18, 2004, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the amendments and remarks contained herein place the instant application in condition for allowance. At the outset, Applicant and the undersigned express their appreciation to Examiner Ma for the courtesies extended during the telephonic interview of August 5, 2004.

Drawings

In the Office Action, the drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include reference signs not mentioned in the specification. Applicant has herein amended the specification to include the reference signs pointed out in the Office Action as not being mentioned in the specification.

Claims

In the Office Action, Claims 1-6 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2001/0021998 to Margulis. Also, Claims 8-11 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,484,011 to Thompson et al. Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/021998 to Margulis in view of U.S. Patent Application Publication No. 2001/0000826 to Bellamy. Applicant traverses the claim rejections.

- I -

Applicant has herein cancelled Claims 1-7 without prejudice or disclaimer of the subject matter recited therein. Applicant reserves the right to claim the subject matter in the cancelled claims at a later time.

- II -

Applicant respectfully traverses the rejection of Claim 8 under 35 U.S.C. § 102(e) as being anticipated by Thompson. Applicant has herein amended Claim 8 in accordance with the Examiner's suggestion stated in the interview of August 5, 2004.

An anticipation rejection is proper, "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (*See* MPEP § 2131.) Applicant submits that Thompson fails to anticipate amended Claim 8 because it fails to disclose, among other things, "providing an alert to a user when a scheduled event occurs," as recited in amended Claim 8. Thompson discloses an "annunciator" that, "can act as a billboard, touting pay-per-view events, products, services, coupon offers . . . TV guide . . . and features." (*See* Thompson at col. 3, ln. 19-25.) Even so, Applicant submits that Thompson does not disclose any alert, "when a scheduled event occurs," as recited in amended Claim 8. Therefore, Applicant submits that amended Claim 8, as well as Claims 9-15, which depend from Claim 8, are not anticipated by Thompson.

- III -

Applicant has added new Claims 12-22. New Claims 12-15, which are dependent from amended Claim 8, are addressed above in the discussion of amended Claim 8. Applicant submits that new independent Claim 16 contains limitations similar to those of amended Claim 8.

Therefore, Applicant submits that Claim 16, and Claims 17-22 that are dependent from Claim 16, are allowable for reasons analogous to those discussed above with respect to amended Claim 8.

CONCLUSION

Applicant respectfully requests a Notice of Allowance for the pending claims in the present application. If the Examiner is of the opinion that the present application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,



Jonathan C. Parks
Registration No. 40,120

Attorney for Applicant

KIRKPATRICK & LOCKHART LLP
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, Pennsylvania 15222-2312

Telephone: (412) 355-6288
Facsimile: (412) 355-6501

Customer No. 42799